

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

FRANKLIN G. PIERCE, JR.,
Plaintiff,

vs.

ROBERT H. GARWOOD AND
ARTHUR GOETTEL,

Defendant.

and

KLEEN-AIR INC., a Oklahoma
Corporation,

Intervenor

For plaintiff:

Warren N. Coppedge, Jr.
Mitchell, Mitchell, Coppedge & Boyett
P.O. Box 668
Dalton, Ga. 30720

Frank E. Turner (587-0141)
Dyer, Powers and Marsh
Suite 1501
Fourth National Bank Building
Tulsa, Okla. 74119

For defendant:

Melvin Landers
P. O. Box 1168
Miami, Oklahoma 74354
918/542-5501

Ben Owens (for Kleen-Air, Inc.)
WALLACE & OWENS
300 Security Bldg.
Miami, Oklahoma 74354

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 3-1-72

Clerk

2-3-72 Mitchell
2-10-72 C.D.No.36

15.00

15 00

J.S. 6 mailed 5-1-73

Marshal

Basis of Action: Breach of
Contract.

Docket fee

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-3-72	Complaint filed and Summons issued. v	
2-3-72	Interrogatories to Deft., filed. v	
2-3-72	Interrogatories to Deft., filed. v	
2-9-72	U.S. Marshals Service, Return on Summons, filed. Served Robert H. Garwood in Miami, Okla., on 2-8-72 with fees of \$3.00. v	
	U.S. Marshals Service, Return on Summons, filed. Served Arthur C. Goettel, in Miami, Okla., on 2-8-72 with fees of \$24.84. v	
2-25-72	Separate Answer of the Deft.s Robert H. Garwood and Arthur Goettel, filed. v	
2-25-72	Motion to Intervene as Defendant, by KLEEN-AIR, Inc., filed. v	
2-25-72	Brief in Support of Application for Intervention by Kleen-Air, Inc., an Oklahoma Corp., filed. v <i>to mail</i>	
2-25-72	Ordered by the Court that the plaintiff is granted 10 days within which to respond to motion to intervene as defendant of Kleen-Air, Inc. (letters mailed)	
2-28-72	Order filed, allowing Kleen-Air, Inc. to Intervene as a deft. filed. (AEB-J)r (Copies mailed to attys)	
<u>2-28-72</u>	Answer of Intervenor Kleen-Air Inc., an Oklahoma Corporation, and Counter-Claim, filed. r	
3-3-72	Pltf's Motion to Reconsider Order allowing Kleen-Air, Inc., to Intervene as a Deft. filed. r	
3-3-72	Pltf's Brief in support of Pltf's Motion for the Court to reconsider the Order allowing Kleen-Air, Inc., to intervene as a Deft., filed. r	
3-3-72	Pltf's Brief in Opposition to Motion of Kleen-Air, Inc., to Intervene, filed. r	
3-6-72	Answer of def. Garwood to interrogatories, filed. rm <i>entered in error</i>	
3-6-72	Interrogatories by defs. propounded to pltf., filed. rm	
3-8-72	Answer of def. Garwood to interrogatories, filed. rm	
3-8-72	Answer of def. Goettel to interrogatories, filed. rm	
3-21-72	Pltf's motion for order compelling answer to interrogatories, filed. hm	
3-21-72	Brief in support for order compelling answer to interrogatories, filed. hm	
3-21-72	Answer of plaintiff Franklin G. Pierce, Jr., to interrogatories, filed. hm	
3-22-72	Ordered that deft. file responsive brief to pltf's mot. for order compelling ans. to interrog. within 10 days. (AEB-J)hm	
3-30-72	Brief of def. in opposition to pltf.'s mo. for order compelling ans. to interogs., filed. rm	
5-16-72	Findings and recommendations of Magistrate, filed. (MLB-Mag)rm-copies mailed	
5-15-72	Ordered that Magistrate conduct hearing on pltf's motion to reconsider order allowing Kleen-Air, Inc. to intervene as a deft & pltf's motion for order compelling answer to interrogatories. (AEB-J)hm	
5-15-72	Hearing held on above motions. Deft. given 10 days to file brief on intervention & motion for order compelling ans. to interrog. is granted. Deft. given 20 days to answer interrog. Pltf. counsel to prepare findings & recommendations within 5 days. (MLB-Mag)hm	
5-25-72	Application for extension of time to respond to plaintiff's brief in opposition to intervention of Kleen-Air, Inc. filed. ds <i>order to produce</i>	
5-26-72	Response of pltf. to def.'s appl. for ext. of time, filed. rm	
6-2-72	Brief of Kleen-Air, Inc. in response to plaintiff's brief in opposition of Defendant's motion to intervene, filed. ds	
6-2-72	Order granting def. Kleen-Air to 6/4/72 to respond to pltf. brief in opposition to intervention. (AEB-J)rm - copies mailed	

(Contd)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-2-72	Order approving recom. of Mag.; that pltf.'s mo. to reconsider order allowing Kleen-Air to intervene as def. is stricken and is to be placed on next motion docket; def. granted 10 days to respond to pltf's brief in opposition to intervention of Kleen-Air and pltf. granted 10 days from date of filing of def. brief to file reply brief; pltf.'s mo. for order compelling ans. to interrog. sustained. (AEB-J) rm <i>replied</i>	
6-16-72	Answer of defendant Robert H. Garwood to interrogatories, filed. ds	
6-16-72	Answer of defendant Arthur Goettel to interrogatories, filed. ds	
6-16-72	Motion for order compelling answer to interrogatories, filed. ds <i>sent to Plaintiff</i>	
6-16-72	Ordered by the Court that plaintiff respond to defendants' motion for order compelling answer to interrogatories within ten days of this date. (AEB-J) ds	
6-26-72	Response to deft's motion for order compelling answer to interrogatories, filed. hm	
6-26-72	Brief in support of pltf's response, filed. hm	
7-12-72	Hearing held on pltf's motion to reconsider order allowing Kleen-Air, Inc. to intervene as a deft. & deft's motion for order compelling answers to interrogatories. Pltf's motion overruled & deft's motion overruled. Pltf. to file findings & recommendations within 5 days. (MLB-Mag)hm	
7-14-72	Findings and recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
8-7-72	Order overruling pltf.'s mo. to reconsider order allowing Kleen-Air to Intervene as def. and overruling def. mo. for order compelling ans. to interrog. (AEB-J) rm - copies mailed	
9-20-72	Reply of the Pltf., filed. v	
9-21-72	Supplemental Interrogatories By Plaintiff, filed. v -to Deft., Rbt. H. Garwood.	
9-21-72	Supplemental Interrogatories by Plaintiff, to Deft., Arthur Goettel, filed. v	
9-21-72	Request for Production, Inspection and Copying of Documents, filed by the Plaintiff. v	
10-11-72	Parties directed to hold pre-trial conference prior to 11-20-72 and file pre-trial order not later than 11-29-72. (AEB-J)hm	
10-12-72	Answers of Robert H. Garwood to interrogatories by plaintiff, filed. ds	
10-12-72	Response of defendant Arthur Goettel to plaintiff's request for production, inspection and copying of documents, filed. ds	
10-12-72	Defendant Arthur Goettel's answers to interrogatories filed. ds	
11-13-72	Deposition of Robert H. Garwood, on behalf of the Pltf., taken on 10-12-72, before Frank L. Peterson, CSR, Notary Public in and for the State of Okla., with fees for original of \$51.00, paid by pltf., filed. v	
11-13-72	Deposition of Franklin George Pierce, Jr., on behalf of the Deft.s, taken on 10-12-72, before Frank L. Peterson, CSR, Okla. Notary, with fees of \$62.00, pd. by Deft.s, filed. v <i>File reply</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-13-72	Deposition of Arthur Goettel, on behalf of the pltf., taken on 10-12-72, before Frank L. Peterson, CSR, Notary for Okla., with fee for original of \$61.00, pd. by Pltf., filed. v	
12-6-72	Joint appl. of parties for ext. of time to file PT Order, filed. rm <i>order 7.2</i>	
12-8-72	Order extending time to file pre-trial order to 12-20-72, filed. (AEB-J)g cpies mailed	
1-9-73	Application for extension of time to file pretrial order, filed. ds	(copy to Judge w/order)
1-12-73	Order filed, that time within which to file pretrial order is extended to 2-5-73. (AEB-J) ds <i>Copies Mailed Parties</i>	
4-27-73	Consent Judgment, filed and entered, that Pltf have and recoever of the deft. Arthur Goettel, the sum of \$14,000 w/8% int. from date. Ordered that pltf recover nothing of the deft. Garwood and Garwood be discharged w/o liability in this cause; and furthern ordered that the Intervenor, Kleen-Air, Inc. have nothing upon its cross-action against the pltf. and that Pierce, Ur.(Pltf) be discharged without liability to the intervenor, Kleen-Air, Inc. Filed & Entered. (AEB-J)R (Copies mailed.)	
4-27-73	Dismissal, filed & entered, that pltf dismisses its action against the deft. Garwood, with prejudice, filed & entered. r (Copies mailed)	
5-9-73	Bill of Costs, filed. v	
5-17-73	Receipt and Release, filed. Deft. forwarded \$48.00 to Pltf. as full payment of costs. <i>g v</i>	
8-5-75	Release and satisfaction of judgment as to Arthur Goettel, filed. g	

Parties agree to PT order